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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,989

01/03/2006

Hiroyuki Nawa

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25191 7590 03/14/2008  
BURR & BROWN  
PO BOX 7068  
SYRACUSE, NY 13261-7068

EXAMINER

SULLIVAN, DANIELLE D

ART UNIT

PAPER NUMBER

1616

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,989	<b>Applicant(s)</b> NAWA ET AL.	
	<b>Examiner</b> DANIELLE SULLIVAN	<b>Art Unit</b> 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

**Group I,**

Claim(s) 7, drawn to a formula I.

**Group II,**

Claim(s) 8, drawn to a formula II.

**Group III,**

Claim(s) 9, drawn to a formula III, where X is N, Y is CR<sup>1</sup> and V is N.

**Group IV,**

Claim(s) 9, drawn to a formula III, where X is CH, Y is CR<sup>1</sup> and V is N.

**Group V,**

Claim(s) 9, drawn to a formula III, where X is N, Y is N and V is CR<sup>1</sup>.

**Group VI,**

Claim(s) 9, drawn to a formula III, where X is CH, Y is N and V is CR<sup>1</sup>.

**Group VII,**

Claim(s) 9, drawn to a formula III, where X is N, Y is CR<sup>2</sup> and V is CR<sup>1</sup>.

**Group VIII,**

Claim(s) 9, drawn to a formula III, where X is CH, Y is CR<sup>2</sup> and V is CR<sup>1</sup>.

**Group IX,**

Claim(s) 9, drawn to a formula III, where X is N, V is CR<sup>2</sup> and Y is CR<sup>1</sup>.

**Group X,**

Claim(s) 9, drawn to a formula III, where X is CH, V is CR<sup>2</sup> and Y is CR<sup>1</sup>.

**Group XI,**

Claim(s) 10, drawn to a formula V, where X is -D-E-F and Y is -SR<sup>4</sup>.

**Group XII,**

Claim(s) 10, drawn to a formula V, where Y is -D-E-F and X is -SR<sup>4</sup>.

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**Group XIII,**

Claim(s) 10, drawn to a formula V, where X is –D-E-F and Y is –OR<sup>4</sup>.

**Group XIV,**

Claim(s) 10, drawn to a formula V, where Y is –D-E-F and X is –OR<sup>4</sup>.

**Group XV,**

Claim(s) 10, drawn to a formula V, where X is –D-E-F and Y is –NHR<sup>3</sup>.

**Group XVI,**

Claim(s) 10, drawn to a formula V, where Y is –D-E-F and X is –NHR<sup>3</sup>.

**Group XVII,**

Claim(s) 10, drawn to a formula V, where X is –D-E-F and Y is H.

**Group XVIII,**

Claim(s) 10, drawn to a formula V, where Y is –D-E-F and X is H.

**Group XIX,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 3 carbon atoms and Y is –NH–.

**Group XX,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 3 carbon atoms and Y is –O–.

**Group XXI,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 3 carbon atoms and Y is –S–.

**Group XXII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 3 carbon atoms and Y is –NR–.

**Group XXIII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 4 carbon atoms and Y is –NH–.

**Group XXIV,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 4 carbon atoms and Y is –O–.

**Group XXV,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 4 carbon atoms and Y is –S–.

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**Group XXVI,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 4 carbon atoms and Y is –NR–.

**Group XXVII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 5 carbon atoms and Y is –NH–.

**Group XXVIII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 5 carbon atoms and Y is –O–.

**Group XXIX,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 5 carbon atoms and Y is –S–.

**Group XXX,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 5 carbon atoms and Y is –NR–.

**Group XXXI,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 6 carbon atoms and Y is –NH–.

**Group XXXII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 6 carbon atoms and Y is –O–.

**Group XXXIII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 6 carbon atoms and Y is –S–.

**Group XXXIV,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 6 carbon atoms and Y is –NR–.

**Group XXXV,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 7 carbon atoms and Y is –NH–.

**Group XXXVI,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 7 carbon atoms and Y is –O–.

**Group XXXVII,**

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Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 7 carbon atoms and Y is –S–.

**Group XXXVIII,**

Claim(s) 11, drawn to a formula VI, where X is a cycloalkyl of 7 carbon atoms and Y is –NR–.

**Group XXXIX,**

Claim(s) 12, drawn to a formula VII.

**Group XXXX,**

Claim(s) 13, drawn to a formula VIII.

**Group XXXXI,**

Claim(s) 14, drawn to a formula IX.

**Group XXXXII,**

Claim(s) 13, drawn to 4-(3-chloro-4-fluoroanilino)-7-methoxy-6-(3-morpholinopropoxy) quinazoline.

**Group XXXXIII,**

Claim(s) 14, drawn to {4-(3-bromophenyl)aniline}-7-methoxy-6,7-diamino quinazoline.

Inventions lack the same technical special feature and structures can be classified in different groups of invention.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIELLE SULLIVAN whose telephone number is (571)270-3285. The examiner can normally be reached on 7:30 AM - 5:00 PM Mon-Thur EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571) 272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Danielle Sullivan/  
Examiner, Art Unit 1616

***/Johann R. Richter/  
Supervisory Patent Examiner, Art Unit 1616***